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Total Number of Pages in This Submission

Application Number 09/523,910-Conf. #9259

Filing Date November 13, 2000

First Named Inventor Ralf-Peter PETERS

Art Unit 1743

Examiner Name L. Alexander

Attorney Docket Number 0179-0164P

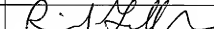
**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

Statement of Substance of Interview

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

Signature  #28,781

Printed name Marc S. Weiner

Date Sept. 5, 2007

Reg. No. 32,181

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

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In re Patent Application of:  
Ralf-Peter PETERS, et al.

Application No.: 09/623,910

Confirmation No.: 9259

Filed: November 13, 2000

Art Unit: 1743

For: SAMPLE SUPPORT

Examiner: L. ALEXANDER

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On July 31, 2007, a telephonic interview was conducted involving Examiner Alexander and Applicants' representative, Richard Gallagher. The discussion concerned the Examiner's remark on the last page of the Advisory Action that "a terminal disclaimer is required to overcome the Double Patenting rejection." Applicants' representative reiterated the position that in the present situation – even if it is accepted that the invention of the present application and US 7,094,354 B2 are somehow in conflict – there would be no extension of patent term because a patent granted on this (earlier) application will expire before the normal expiration of the patent. Following consultation with his supervisor (Miss Jill Warden), Examiner Alexander indicated that the concern in this case is not term extension, but instead the portion of the terminal disclaimer which provides that any patent

granted on the application shall be enforceable only for and during such period that the legal title to the patent issuing from the application is in the same name as the legal title to the reference patent.

Applicants reiterate their position that the invention claimed in the present application does not conflict in any way with the invention claimed in US 7,094,354 B2 .

If there are questions concerning this application, the Examiner is invited to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

Dated: Sept. 5, 2007

Respectfully submitted,

By

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